

### REMARKS

Claims 1-10 are pending. Claims 1 and 2 have been amended. Claims 3-10 have been withdrawn. Claim 11 has been added. Support for the newly added claim can be found in the specification and is therefore not new matter.

The Applicants respectfully request reconsideration in light of the present amendments and remarks.

The Applicants would like to thank the Examiner for the telephone interview of May 11, 2004. In that teleconference, the Examiner agreed to rejoin Claim 2 provided that an amendment clearly establishes its dependency from Claim 1. Applicants have made this amendment and believe Claim 2 is now in condition of allowance. The Examiner further agreed to include "hydrogen" in the definition of  $R^4$  and thereby,  $R^5$  in Claim 1. Applicants amended Claim 1 to reflect the inclusion of hydrogen. As noted in the Examiner's interview, this Amendment does not affect novelty and no new search is required as support for the amendment is found, *inter alia*, on pages 11-12, Examples 3-5.

Claim 11 has been added. The purpose of this claim is to recite the compounds of Examples 3-5 on pages 11-12. Accordingly, no new matter is added.

Claims 1 and 2 have been further amended to comport with the Examiner's restriction requirement by limiting  $R^1$  to a direct bond and X and Y to S. The subject matter cancelled from claim 1 is done so without prejudice or disclaimer and may be pursued in a divisional application.

In view of the amendment of claims 1 and 2 as required by the Examiner's restriction requirement, and the indication that such claims would be allowable, it is respectfully requested that dependent claims 3-8 be rejoined. These claims are drawn to compositions containing the

compound of claim 1. It is respectfully submitted that in view of the allowability of claim 1, that claims 3-8 should be rejoined since no extra work is needed on the part of the Examiner and they must clearly be patentable in view of the patentability of claim 1.


Favorable consideration of the claims is respectfully requested.

#### CONCLUSION

Wherefore, it is respectfully submitted that the claims are now in condition for allowance. Accordingly, it is respectfully requested that the claims be allowed and the case passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
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